

MINUTES OF THE BEATRICE CITY COUNCIL WORK SESSION

A work session of the Beatrice City Council was held on the 27th day of January, 2014 at the Sargent Room, Beatrice Public Library, 100 North 16th Street, Beatrice, Nebraska.

Attending: Mayor Schuster, Councilmembers: Carey, Catlin, Cook, Fairbanks, Parde, and Tiemann. Also present: City Administrator Tobias Tempelmeyer and City Attorney Gregory Butcher, Don Vetrovsky, Dave Eskra, and Steve Kelley.
Absent: Councilmember Langdale.

Mayor Schuster announced that a copy of the Open Meetings Act is available in the meeting room and is accessible to members of the public.

CONSENT AGENDA

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting
- c. Receive and place on file all materials having any bearing on this meeting.

Moved by Catlin, seconded by Langdale, that the items listed under the consent agenda be approved, accepted, and/or ratified as presented.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks, Parde, and Tiemann.
 Nay: None

MOTION CARRIED.

DISCUSSION ITEMS

Zoning Regulations - Fences

City Attorney Greg Butcher discussed concerns with application of the current fence regulations found in Zoning Regulations Section 706. The regulations place a very tough burden upon corner lots by requiring a twenty-five foot (25') setback from the property line on Street Side Yard fences. This can cause a fence to be located halfway across the owner's backyard. Mayor Schuster discussed this issue and how it applies to Dr. McLellan's fence in the Belvedere neighborhood. The City Council was asked their opinion on whether fences should be located in the City owned right-of-way. Councilman Fairbanks had some concern for how we would handle removal of fences for utility or right-of-way issues and who ultimately pays. Councilman Fairbanks also felt that we should have a way to inform subsequent buyers of the issues related to their fences. City Administration recommended recording an easement or other instrument with the Gage County Register of Deeds to put the subsequent owners on notice. Councilman Tiemann inquired about non-conforming fences that would be replaced. The recommendation was to allow those to be repaired and exist as is. The Councilmembers discussed the "Four, Four, & Four Rule," four feet (4') of green space from the back of curb, four feet (4') of sidewalk, and four feet (4') until a fence can be placed. The general consensus was this was the best measure. Councilman Fairbanks and City Attorney Butcher discussed how fences would be permitted on unimproved streets. City Administration recommended having the City Engineer decipher where the back of curb would be if the street was to be improved and then apply the

Four, Four, & Four Rule. City Administrator Tempelmeyer recommended that fences located in the right-of-way be signed off on by BPW Superintendents. City Attorney Butcher noted that this adds an additional variable that may be grounds for appeals to the varying administrative boards. The Mayor felt that City Administration had enough to work with and that a zoning ordinance would be drafted and considered by the Planning and Zoning Commission Board and City Council at a future date.

Zoning Regulations – 50’ Corner Lots

City Attorney Greg Butcher discussed concerns with the current regulations relating to building setbacks for corner lots which generally measure fifty feet (50’) by one hundred-forty feet (140’). The twenty-five feet (25’) setback requirement in most residential districts make these lots almost unbuildable for standard residential uses. City Attorney Butcher provided maps of vacant and soon to be demolished lots which met these standards. The “buildable area” of a fifty feet (50’) corner lot is half of the size of an interior lot. City Attorney Butcher discussed two (2) options that City Administration had come up with: (1) was to match the setback with shortest setback on the block face; or (2) reduce the setback to some standard measure below twenty-five feet (25’) to an amount which allows for reasonable use of the property for residential purposes. The Councilmembers discussed the matter and the general consensus was this idea would make better usage of these properties rather than having them vacant or dilapidated. The recommendation was to go with a standard measure. City Administration recommended at least twelve and a half feet (12.5’) and the Councilmembers instructed Administration to find out what is the maximum reasonable setback to maximize buildable space without compromising engineering concerns and public safety. City Attorney Butcher will work with the City Engineer to make a more formal recommendation and to draft language for consideration by the Planning and Zoning Commission Board and the City Council.

Proposed Local Option Sales Tax

City Administrator Tobias Tempelmeyer discussed changes made to the draft of the Interlocal Agreement with Gage County which is a requirement of the sales tax ballot proposal to be considered by the City Council. The changes removed references to an “Agency” so that a separate entity is not created. The interlocal funds will be administered by a committee. This committee will assist with any audits and account keeping which will be involved with administration of the funds for the interlocal project. The Councilmembers had no further questions regarding the Sales Tax Proposal.

Eliminate All One-Way Streets

Councilman Fairbanks requested this item be placed upon the Work Session agenda. Councilman Fairbanks has considered this item for a number of years and has recently spoken to the business owners along 5th Street after the recent conversion from one-way to two-way traffic. Businesses actually reported increased traffic and no major concerns. Councilman Fairbanks, after some consideration of the possible Highway 136 relocation, felt that now was not the time to move the downtown truck route, but thought we should consider removal of the one-ways along 7th Street, 8th Street, Ella Street, and Market Street. The Councilmembers discussed the possibility of each road, associated costs, school traffic, and other related matters. The general consensus at this time was to have the traffic committee review the removal of one-ways along

7th Street and 8th Street North of Ella Street and also look into removal along 7th Street South of Market Street. A proposal will be brought to a future work session for consideration and discussion.

Eliminate the BPW Board

Councilman Fairbanks requested this item be placed upon the Work Session agenda. Councilman Fairbanks feels that the City Council should be responsible for overseeing the City owned utilities. He believes that a separation exists between City Employees and BPW Employees and that BPW employees feel that they are not working for or responsible to the City Council, Mayor, and City Administration. City Attorney Greg Butcher spoke about the legal process of removing the BPW and rolling its authority back into the City. A question still remains about the process, some felt that a vote of people would be required to eliminate the BPW. Councilman Phil Cook would like to see a list of pros and cons from the BPW Superintendents and workers. Councilman Cook also wanted a more definitive list/description of what the BPW Board does. Councilman Calvin Carey felt that in most cases two heads are better than one. Councilman Erich Tiemann spoke about reducing government, but noted that if the reduction doesn't reduce costs then what is the point. Don Vetrovsky, Chairman of the BPW Board spoke about the work the Board does, how it assists the City Council, and asked if the Council had any concerns about the job the Board has done. Councilman Fairbanks stated that he wants to take back the powers placed with the Board. He feels it is predominantly Councilmembers who field questions regarding utilities, costs, and concerns and thus they should be the decision makers. He also felt that as elected officials, they are held more accountable. Dave Eskra, a member of the BPW Board, felt that a power grab is not the best reason to remove the Board. Eskra noted that the Board is made up of many intelligent members of the community that may not otherwise be able to provide civic service. Councilman Parde felt there was no need to remove the Board. Steve Kelley, BPW Water Superintendent, spoke about his work with the BPW Board. Mayor Schuster felt there was a general interest in pursuing this item further. City Administration will follow up with the BPW Board, BPW Superintendents, BPW employees, and review the formal process that may be involved.

ADJOURNMENT

Moved by Catlin, seconded by Moore, that the meeting be adjourned at 8:35 p.m.

Roll Call: Yea: Carey, Catlin, Cook, Fairbanks and Parde.
 Nay: Tiemann

MOTION CARRIED.

Dennis M. Schuster, Mayor

Attest:

Linda S. Koch, City Clerk